

EXHIBIT B-2

John M. Gerro (SBN 85900)
George J. Gerro (SBN 325168)
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Attorney for Plaintiff George J. Gerro

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, NORTH CENTRAL DISTRICT

GEORGE J. GERRO, an individual,
Plaintiff,
v.

BLOCKFI LENDING LLC, a Delaware
Limited Liability Company; SCRATCH
SERVICES, LLC, a Delaware Limited
Liability Company; and DOES 1-100

Defendants.

Case No. 20BBCV00308

**STATUS REPORT OF PLAINTIFF
GEORGE J. GERRO**

*Civil Unlimited Jurisdiction
[assigned to the Honorable Frank M. Tavelman,
Dept. A]*

Date: July 25, 2024
Time: 9:00 a.m.
Dept: A

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD please take notice that
Plaintiff George J. Gerro hereby respectfully submits this Status Report in advanced of this
Court's Status Conference set for July 25, 2024 at 9:00 a.m. in the above-entitled Court.

1 Plaintiff George J. Gerro respectfully requests that this Court take no further action at this
2 Status Conference. The cause of action set forth in the pleadings is currently pending a
3 bankruptcy appeal in the United States District Court for the District of New Jersey. (*In re*
4 *BlockFi Inc. (Gerro v. BlockFi Lending LLC)* D.N.J. Case No. 23-cv-18740, filed Sept. 8, 2023).
5 That appeal, *Gerro v. BlockFi Lending LLC*, is fully briefed, and awaiting an order from the
6 District Court. (See Exhibit “1,” District Court Docket retrieved on July 24, 2024.)

7 A pending appeal automatically stays proceedings in trial courts. (*Coinbase, Inc. v.*
8 *Bielski* (2023) 599 U.S. 736, 740 [“An appeal . . . ‘divests the district court of its control over
9 those aspects of the case involved in the appeal.’ . . . [and] reflects a longstanding tenant of
10 American procedure”]; *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 197
11 [“when the cause is taken over by a reviewing court on appeal or other proceeding in review, the
12 trial court is divested of jurisdiction of the subject matter during the period of review, and has no
13 power to vacate or modify the judgment or otherwise to deal with the cause”].)

14 In this case, there is currently no outstanding discovery, no pending motions, no trial date
15 and no settlement. When the time is appropriate, Gerro will voluntarily request dismissal of the
16 case without prejudice. However, the Doe Defendants have not yet been dismissed. (See Civ.
17 Proc., § 474.) And, federal courts retain the statutory power to abstain from deciding certain
18 bankruptcy claims. (See 28 U.S.C. § 1334(d).) To preserve the status quo pending appeal, Gerro
19 respectfully objects to any dismissal at this Status Conference.

20
21 Respectfully Submitted.

22 GERRO & GERRO

23 Date: July 24, 2024

24 By: /s/ George Gerro
25 George J. Gerro
26 Attorneys for Plaintiff George J. Gerro
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EXHIBIT “1”

PROSE

**U.S. District Court
District of New Jersey [LIVE] (Trenton)
CIVIL DOCKET FOR CASE #: 3:23-cv-18740-ZNQ**

GERRO v. BLOCKFI INC.

Assigned to: Judge Zahid N. Quraishi

Related Case: [3:23-cv-21306-ZNQ](#)

Case in other court: UNITED STATES BANKRUPTCY
COURT, 22-19361-MBK

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 09/08/2023

Jury Demand: None

Nature of Suit: 422 Bankruptcy Appeal
(801)

Jurisdiction: Federal Question

Appellant

GEORGE J. GERRO

represented by **GEORGE J. GERRO**
530 GLENOAKS BLVD. SUITE 200
BURBANK, CA 91502
PRO SE

V.

Appellee

BLOCKFI INC.

represented by **DANIEL M. STOLZ**
GENOVA BURNS LLC
110 ALLEN ROAD
SUITE 304
BASKING RIDGE, NJ 07920
973-467-2700
Email: dstolz@genovaburns.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MICHAEL D. SIROTA
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(201) 489-3000
Fax: 201-489-1536
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TERMINATED: 11/22/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/08/2023	1	Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 22-19361-MBK, filed by GEORGE J. GERRO. (Attachments: # 1 Order being appealed, # 2 Transmittal)(jjc,) (Entered: 09/08/2023)
09/08/2023	2	Notice of Guidelines for Appearing Pro Se (jjc,) (Entered: 09/08/2023)
10/11/2023	3	DESIGNATION of Record on Appeal by BLOCKFI INC. re 1 Bankruptcy Appeal. Parties wishing to review the actual documents listed on the U.S. Bankruptcy Court`s docket sheet should refer to the U.S. Bankruptcy Court`s records. At the direction of this Court, counsel for the appellant must furnish paper copies of these documents directly to the Chambers of the Honorable Zahid N. Quraishi, U.S. District Judge. These courtesy copies should be clearly marked as `Courtesy Copies` and should contain the U.S. District Court civil docket number. Pursuant to Federal Bankruptcy Rule 8018 (a), unless otherwise ordered, the appellant must serve and file a brief within 30 days after the docketing of the notice that the record has been transmitted or is available electronically;the appellee must serve and file a brief within 30 days of service of the appellant`s brief;the appellant may serve and file a reply brief within 14 days after service of the appellee`s brief. Appellant Brief due by 11/13/2023. (Attachments: # 1 Transmittal Letter, # 2 Statement Of Issues)(mlh) (Entered: 10/11/2023)
10/11/2023		Bankruptcy Appeal set for 1/2/2023 before Judge Zahid N. Quraishi. The appeal will be decided on the papers. No appearance is required unless otherwise ordered by the Court. (mlh) (Entered: 10/11/2023)
10/26/2023	4	Letter to the Court from GEORGE J. GERRO. (Filed via ECF Help Desk) (Attachments: # 1 Brief, # 2 Appendix)(jal,) (Entered: 10/26/2023)
11/01/2023	5	LETTER ORDER denying without prejudice Appellant's request for a pre-motion conference as well as for substantive relief. Signed by Judge Zahid N. Quraishi on 11/1/2023. (mlh) (Entered: 11/01/2023)
11/22/2023	6	Substitution of Attorney - Attorney MICHAEL D. SIROTA terminated. Attorney DANIEL M. STOLZ for BLOCKFI INC. added.. (STOLZ, DANIEL) (Entered: 11/22/2023)
11/22/2023	7	BRIEF of Appellee BlockFi Inc. (Attachments: # 1 Appendix Supplemental Appendix Vol. I of I, Pages 1-172 of Appellee BlockFi Inc.)(STOLZ, DANIEL) (Entered: 11/22/2023)
11/22/2023	8	CERTIFICATE OF SERVICE by BLOCKFI INC. re 7 Brief of Appellee BlockFi Inc. (STOLZ, DANIEL) (Entered: 11/22/2023)
12/06/2023	9	Appellant's REPLY BRIEF by GEORGE J. GERRO. (Filed via ECF Help Desk) (amv) (Entered: 12/07/2023)
12/28/2023	10	Letter to Judge Quraishi from GEORGE J. GERRO. (Received via Help Desk)(kht) (Entered: 12/29/2023)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My business address is 530 South Glenoaks Blvd., Suite 200, Burbank, CA 91502
3. I served copies of the following documents (specify the exact title of each document served):

STATUS REPORT OF PLAINTIFF GEORGE J. GERRO

4. I served the documents listed above on the following persons at the addresses listed:

Attorneys for Blockfi Lending LLC:

Mark D. Erickson <mark.erickson@haynesboone.com>

David B. Clark <David.clark@haynesboone.com>

Haynes and Boone, LLP

600 Anton Blvd., Suite 700

Costa Mesa, CA 92626

- a. **X** **By electronic service.** Pursuant to California Rules of Court, rule 2.251(a), I electronically served the documents listed above from Jennifer@GerroLaw.com to the electronic service addressees listed above.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Burbank, California.

6. I served the documents by the means described in item 5 on *(date)*: **SEE BELOW**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/24/24

DATE

Jennifer Ayad

(TYPE OR PRINT NAME)

/s/ Jennifer Ayad

(SIGNATURE OF DECLARANT)